Attachment to Independent Case Review Report
For CDRU # 1222 Case file # 95-1031645.

Material Examiner Malone (RQ)

Remarks:

INDEPENDENT CASE REVIEW REPORT

Independent Review conducted by: Steve Robertson

Area(s) of Expertise: Hair and Fiber

Review commenced at: 1:30 PM (Time), 09 / 15 / 99 (Date)

File #: 95-1031645

Laboratory #(s): 20619034

Examiner(s) & Symbols

	Reviewed	Not Reviewed		Reviewed	Not Reviewed
RQ	X	☐		☐	☐
YT	☐	X		☐	☐
	☐			☐	☐

Materials Reviewed

Trial testimony transcript(s) of: Michael Malone (2 transcripts)

Testimony Date(s): 4-2-93, Unknown Pages: 2-44, 51-81

Laboratory Report(s):

Laboratory Number: 20619034 Date: Nov 16, 1992

Laboratory Number: Date:

Laboratory Number: Date:

Examiner Bench Notes of: RQ and unknown technicians

Laboratory Number: 20619034

Initials: Sm

CRM - 10638

Was any other material reviewed? X Yes No

If yes, please identify and/or describe the material: Submitting agency letter dated June 11, 1992

Results of Review

File #: 95-1031645 Item or Specimen # Reviewed: Q2-Q6, Q18-26, Q34-Q39, K1-K2, K4-K11

Review of Laboratory Report(s) and Bench Notes:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?
☐ Yes ☑ No ☐ Unable to Determine

2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes? ☐ Yes ☑ No ☐ Unable to Determine

Review of Testimony:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

☐ Transcript not available.

3) Testimony consistent with the laboratory report(s)? ☐ Yes ☑ No ☐ Unable to Determine

4) Testimony consistent with the bench notes? ☐ Yes ☑ No ☐ Unable to Determine

5) Testimony within bounds of examiner's expertise? ☐ Yes ☑ No ☐ Unable to Determine

Initials: SMA

Comments

(Set forth by above question #, if applicable.
Use "Additional Comments" Sheet, if needed)

File #: 95-1031645

#1. There is insufficient documentation to determine if the hair comparison was performed in a scientifically acceptable manner. Please note that the examiner did not obtain a confirmation of the hair comparison from another examiner as he did in most other hair comparison cases reviewed.

#2. The results are not adequately documented in the notes. The notes are not dated and are in pencil. The technician did not initial the notes. Some hair was deemed unsuitable for comparison with no documented reason or explanation. The victim's known pubic hair is apparently described in the notes as "N.O." (Negroid origin) when she is Caucasian. The length of the hair, except for the victim's known head hair, is not noted. Numerous, hard to interpret abbreviations were used to describe the hair and fibers.

#3. The testimony concerning Jerome Page's pubic hair is much stronger than the report. Jerome Page's pubic hair (K11) apparently exhibited an unusually abnormal characteristic described in testimony as "zap". This

Review completed at: 3:30 PM (Time), 09 / 15 / 99 (Date)

Total time spent conducting review (to nearest 1/4 hour): 2 hours

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 4 pages.

Steve Roberts — 9-15-99

(Signature) (Date)

Initials: SR

Additional Comments
(Set forth by question #, if applicable)

File #: 95-1031645

b6
b7C

characteristic was apparently detected by the defense hair expert [redacted] This unusual characteristic greatly increases the significance of the hair comparison to Jerome Page and this increased significance is not reflected in the report or notes.

#4. The examiner testified that he compared the questioned hair to the hair from other individuals (K7,K9) and eliminated them as possible sources. This comparison is not documented in the notes. The hair from these two individuals is not fully characterized in the notes. The notes do not reflect that the characteristic exhibited by Jerome Page's pubic hair (K11) is unusual and of greater significance.

#5. Testimony was given that it is the FBI Lab policy that a hair must have at least 15 individual microscopic characteristics or it has no value for comparison [redacted] has said he is not aware of any such policy.

Initials: [redacted]